

FILED

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CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JIA YUE,

Defendant.

No. CR-09-0917 VRW (MEJ)

~~[PROPOSED]~~ ORDER OF DETENTION

I. INTRODUCTION

A detention hearing in the above-captioned case for defendant Jia Yue was conducted on September 28, 2009. The Court has carefully considered the proffers of the government and the defendant's counsel and the pre-trial services report. The Court finds by a preponderance of the evidence that the defendant poses a risk of flight. The Court finds, for the reasons set forth below, that there are no conditions, or combinations of conditions which could be fashioned in order to assure the appearance of the defendant for trial if he is released. Therefore, for the reasons set forth herein, the Court orders that the defendant be detained.

Detention Order
[CR 09-0917 VRW]

1 **II. FACTORS TO CONSIDER UNDER 18 U.S.C. § 3142**

2 **1. Charges and Rebuttable Presumption**

3 On September 17, 2009, the Grand Jury for the Northern District of California returned
4 an indictment charging defendant Jai Yue ("Yue") with conspiracy to manufacture and distribute
5 ecstasy in violation of Title 21 U.S.C. § 846. The conspiracy count carries a maximum sentence
6 of twenty years in prison. Therefore, there is a rebuttable presumption that he is both a flight risk
7 and a danger. *See* 18 U.S.C. § 3142(e).

8 **2. Defendant's Travel to China**

9 According to proffers by the Government, Yue lived in China between December of 2007
10 and his return to the United States on September 14, 2009. During the time period of the alleged
11 conspiracy, the Government has proffered that the defendant made no fewer than eight trips from
12 San Francisco International Airport to Hong Kong, carrying drug profits, usually \$250,000 at a
13 time, in checked baggage. In addition, the Government has proffered that all of defendant's
14 immediate family, with the exception of his sister, live in China. The Court finds that Yue's
15 frequent travel to China demonstrates that he is a serious flight risk if released on bail in this
16 case.

17 **3. Defendant's Employment History**

18 The defendant was unemployed in the United States from 2004 to December 2007,
19 when he left for China. Thus, the pretrial services report reflects an inconsistent history of
20 employment.

21 **4. Sureties**

22 The defendant did not present the Court with a single surety that was willing to post cash
23 or property to support a bond.

24 **III. CONCLUSION**

25 The Court finds that the defendant has not overcome the rebuttable presumption that he is
26 a flight risk. *See* 18 U.S.C. §3142(e). Given the defendant's frequent travels to China, the
27 defendant's sporadic employment history, and the absence of any sureties willing to post a bond
28

1 on behalf of the defendant, the Court finds by a preponderance of the evidence that no conditions
2 or combination of conditions or release it could fashion would assure the defendant's appearance
3 for trial if he was released. Therefore, the Court ORDERS that the defendant be detained.

4
5 October 19, 2009


HON. MARIA-ELENA JAMES
UNITED STATES MAGISTRATE JUDGE